



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1868

Certified Mail - Return Receipt Requested

JUL 29 2005

Mr. Bruce Cook
Remediation Location Manager
Aluminum Company of America
Massena Operations
Park Avenue East
P.O. Box 150
Massena, New York 13662-0150

Dear Mr. Cook:

By this letter the United States Environmental Protection Agency ("EPA"), Region 2 grants final approval for disposal of waste containing polychlorinated biphenyls ("PCBs") in Cell No. 3 of the chemical waste landfill at the Massena, New York facility of the Aluminum Company of America ("ALCOA") (the "ALCOA landfill"). Approval of Cell No. 3 of the ALCOA landfill is pursuant to the federal regulations concerning PCBs issued in accordance with the Toxic Substances Control Act and compiled in Part 761 of Title 40 of the Code of Federal Regulations ("40 C.F.R. Part 761"). This approval is based on ALCOA's application and supporting documents, construction certification report, operating procedures, as amended, as well as additional documents submitted by ALCOA and agency approvals listed in Appendix B (collectively "ALCOA's application"). The disposal of PCBs in the ALCOA landfill is subject to compliance with the federal regulations at 40 C.F.R. Part 761, the conditions in this letter and its appendices and adherence to the specifications and procedures in ALCOA's application.

On July 20, 1993, EPA approved the construction of the Alcoa landfill, planned to be comprised of four cells, for PCB disposal. On August 8, 1994, EPA approved the disposal of PCB material in Cell 2 of the landfill, and on September 13, 1999 EPA approved the disposal of PCB material in Cell 2 A of the landfill. Cell 3 of the landfill was designed and constructed with the approval of the New York State Department of Environmental Conservation ("NYSDEC") for the disposal of dredged sediments from the Grasse River pursuant to the Grasse River Remedial Options Pilot Study. NYSDEC granted Alcoa approval to operate Cell 3 of the Alcoa landfill on July 6, 2005.

This approval shall become effective on the date ALCOA sends written notification to the Regional Administrator of EPA Region 2 of ALCOA's acceptance of the conditions of this approval. The period during which the ALCOA landfill may receive PCB waste is for five years from the date of this notification.

PCB waste which may be disposed in Cell No. 3 of the ALCOA landfill is limited to PCB waste at or associated with the ALCOA, Massena, New York facility as determined by the NYSDEC and sediment and debris removed from the lower Grasse River associated with the remediation of the Grasse River site as determined by the EPA.

All waste disposed must meet all criteria, such as bearing strength, established by NYSDEC for the ALCOA landfill. Specific requirements relating to the operation of Cell 3 of the ALCOA landfill are in Appendix A.

The public was made aware of the construction of Cell No. 3 and the Grasse River Remedial Options Pilot Study prior to and during construction of the Cell No. 3 through multiple public availability sessions conducted in Massena and Akwesasne on June 2 and 3, 2004 and April 11 and 12, 2005. No opposition was raised by the public and all concerns were addressed prior to implementation.

A waiver of the distance to ground water requirement and the specific ground water analysis requirement listed in 40 C.F.R. § 761.75 was granted in EPA's July 20, 1993 approval and is incorporated here by reference.

ALCOA shall be responsible for the actions of all individuals who are involved in the activities under this approval and, in addition to the other conditions of this approval, is required to comply with all applicable federal, state or local laws, rules and regulations.

This approval may be suspended, revoked, modified, or otherwise altered at any time if evidence indicates a violation of the conditions of this approval, 40 C.F.R. Part 761, or any other applicable rules or regulations has occurred, or if it is determined that the continued implementation of this approval presents an unreasonable risk of injury to health or the environment.


Failure to comply with the conditions of the approval, which include this cover letter and its appendices, constitutes a violation of the approval, issued pursuant to 40 C.F.R. § 761.75, and a violation of 40 C.F.R. Part 761, which may result in an enforcement action.

Furthermore, receipt of evidence that misrepresentation of any material fact has been made in the application, or that all relevant facts have not been disclosed, shall constitute sufficient cause for suspension, revocation, or modification of this approval.

I find that the operation of Cell No. 3 of the ALCOA landfill in accordance with the conditions of this approval will not present an unreasonable risk of injury to health or the environment from PCBs.

This approval may be withdrawn if EPA Region 2 does not receive written notification from ALCOA of its acceptance of the conditions of this approval within 30 days of receipt of this letter. Any change or modification in requirements or conditions of this approval must receive prior written approval from EPA Region 2.

Sincerely,


Kathleen C. Callahan
Acting Regional Administrator

Enclosures

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cc: Denise Sheehan, Acting Commissioner, NYSDEC w/encl.
Dale Desnoyers, NYSDEC w/encl.
Darrell Sweredoski, NYSDEC Region 6 w/encl.

Appendix A

PCB Chemical Waste Landfill Disposal Approval
ALCOA Secure Landfill
Massena, New York

The following requirements apply to Cell 3 of the ALCOA landfill approved for the disposal of PCB waste and to related activities as specified below at the ALCOA Massena facility.

1. Leachate standpipes.

The maximum operating level for leachate, as measured from the lowest elevation in any standpipe, shall be as specified by the NYSDEC.

In the event the maximum leachate operating level specified by NYSDEC is exceeded, ALCOA shall implement measures to bring the leachate levels into compliance. If the leachate level continues above the specified maximum operating level for five days, ALCOA shall submit a report to EPA Region 2 within an additional 30 days stating why the maximum leachate level was exceeded and the measures implemented to bring the leachate level into compliance.

2. Leachate treatment.

The following criteria shall apply to the treatment of leachate unless EPA Region 2 specifies alternate requirements through modification of this approval:

Leachate shall be treated and discharged in accordance with NYSDEC requirements. Residuals from leachate treatment shall be disposed in accordance with NYSDEC requirements for PCBs.

3. Ponded water in landfill.

Any ponded water in the landfill shall be addressed as specified by the NYSDEC.

4. Groundwater and Leachate sampling:

The results of the required sampling events shall be reported to EPA Region 2 within 60 days of the final report to ALCOA for each event. Each report shall be complete with all observations, dates, locations, identity of the sampler, and the laboratory performing the analysis.

5. The annual report required to be sent to the Regional Administrator by 40 C.F.R. § 761.180(b)(3), and reports and other documents specified in conditions 1, 4, 6, 7 and 8 of this appendix, shall be sent to:

Chief, Pesticides and Toxic Substances Branch
United States Environmental Protection Agency, Region 2
2890 Woodbridge Avenue
Edison, New Jersey 08837-3679

6. Within 90 days of the final disposal of PCB waste in landfill Cell 3, ALCOA shall submit to EPA Region 2 a complete report of all waste disposed in the cell including a three dimensional grid of disposal locations and a concise description of each waste.
7. Upon final closure of Cell 3, ALCOA shall submit to EPA Region 2 an independent registered professional engineer's written certification, including as-built drawings, that the closure construction was in accordance with the design specifications and operating procedures stated in ALCOA's application and supporting documents.
8. After closure, ALCOA shall submit to EPA Region 2 reports of inspection and maintenance activities conducted at the ALCOA landfill after closure. These reports shall be compiled and submitted at a minimum interval of six months.
9. ALCOA must allow any duly-designated representative of EPA to inspect the ALCOA landfill and appurtenances, and all ALCOA records and testing facilities, and to take such samples as may be necessary so as to monitor and enforce EPA's PCB regulations (40 C.F.R. Part 761). Any refusal to allow such inspection (as authorized by Section 11 of TSCA) shall be grounds for immediate termination of this approval.
10. ALCOA must adhere to all design specifications and operating procedures stated in its application and supporting documents. Deviations from these specifications or procedures are allowed only if prior written authorization is provided by EPA Region 2, except for changes approved by NYSDEC. Changes approved by NYSDEC in the specifications or operating procedures stated in Alcoa's application and supporting documents will be incorporated in this TSCA approval provided that: 1) EPA Region 2's Pesticides and Toxic Substances branch is informed of the change in writing at least 60 days in advance, and 2) EPA does not object in writing to the change. EPA may respond in less than 60 days of the notification, may require any additional information needed to review the proposed change, may require more formal review procedures, and may not approve the change.

Appendix B

PCB Chemical Waste Landfill Disposal Approval
ALCOA Secure Landfill
Massena, New York

Listed in this Appendix are the documents submitted by ALCOA and previous approvals given by regulatory agencies, on which the approval for disposal of PCBs in Cell 3 of the Alcoa Secure Landfill (SLF) is based.

<u>Date</u>	<u>Description of Correspondence</u>
July 20, 1993	W. Muszynski of EPA to T. Mack of Alcoa, EPA approves construction of SLF
May 18, 2004	R. Esterline of Alcoa to D. Sweredoski of NYSDEC, Design Change Order (DCO) 27 transmittal of design detail of Cell 3 and requests provisions for disposal of dredged sediments from Grasse River for implementation of Remedial Options Pilot Study (ROPS)
July 30, 2004	D. Sweredoski of NYS DEC to R. Esterline of Alcoa, NYSDEC accepts DCO 27 and grants construction commencement of Cell 3
October 14, 2004	R. Esterline of Alcoa to D. Sweredoski of NYSDEC, DCO 28 transmittal of design related revisions on the location of the clay placement and temporary anchoring of the liner system
November 1, 2004	G. Townsend of NYSDEC to R. Esterline of Alcoa, NYSDEC approves DCO 28
February 28, 2005	Y. Chang of EPA to L. McShea of Alcoa, EPA approves ROPS Work Plan
March 2, 2005	L. McShea of Alcoa to Y. Chang of EPA, DCO 29 transmittal of Secure Landfill Operations and Maintenance Manual Amendment and request to use temporary storage for processed sediment storage onsite for the period of time between ROPS dredging start and receipt of EPA and NYSDEC permit to operate the Cell 3
March 30, 2005	G. Townsend of NYSDEC to B. Cook of Alcoa, NYSDEC approves submittal concerning operation and maintenance plan (DCO 29)
May 11, 2005	Y. Chang of EPA to L. McShea of Alcoa, EPA approves ROPS Operation Plan (which also approves the use of temporary storage pad for processed sediment onsite until Alcoa receives approval to operate Cell 3)
June 22, 2005	B. Cook of Alcoa to G. Townsend of NYSDEC, transmitting Construction Quality Assurance Certification Report for Cell 3
July 6, 2005	G. Townsend of NYSDEC to B. Cook of Alcoa, NYS DEC approves operation of Cell 3
July 14, 2005	B. Cook of Alcoa to K. Callahan of EPA, requesting EPA TSCA approval for disposal of PCB waste in Cell 3